

Meeting of 2005-7-26 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
JULY 26, 2005 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor John P. Purcell, Jr. Also Present:
Presiding Larry Mitchell, City Manager
 John Vincent, City Attorney
 Traci Hushbeck, City Clerk
 COL Sonny Uberti, Fort Sill Liaison

Mayor Purcell called the meeting to order at 6:05 p.m. Notice of meeting and agenda were posted on the City Hall notice board as required by law. Invocation was given by Pastor Jennifer Long, Cache First United Methodist Church, followed by the Pledge of Allegiance.

ROLL CALL

PRESENT: Bill Shoemate, Ward One
Rex Givens, Ward Two
 Janice Drewry, Ward Three
 Keith Jackson, Ward Four
Robert Shanklin, Ward Five
Jeffrey Patton, Ward Six
 Stanley Haywood, Ward Seven
 Randy Warren, Ward Eight
ABSENT: None

PRESENTATION OF EMPLOYEE OF THE MONTH TO JOE KRACHINSKY, CONSTRUCTION INSPECTOR FOR ENGINEERING DIVISION, FOR THE MONTH OF JUNE AND COLLETTE HAWKINS, HOUSING DEVELOPMENT SPECIALIST IN THE HOUSING ASSISTANCE DIVISION OF THE COMMUNITY SERVICES DEPARTMENT FOR THE MONTH OF JULY.

Jerry Ihler, Public Works Director, introduced Joe Krachinsky, an inspector in the Engineering Division, who was recognized the previous month for his quick action on the job site where a gentleman had a heart attack and Joe kept him alive until the EMT s arrived. Joe utilizes those same responsibilities in his job duties. Joe has been in the Engineering Division for four and a half years. He is very conscientious and dedicated.

Mayor Purcell stated it was a pleasure to present the Employee of the Month to Joe. He presented a plaque, certificate of honor, two days of nonchargable leave, script money from Chamber merchants and a Mayor s Do What s Right coin.

Mayor Purcell stated that once a month the Employee Advisory Council chooses an employee of the month. Once a year they select an employee of the year and this year they have selected Joe Krachinskly as employee of the year for 2005. He presented a plaque, certificate of honor, two days of nonchargable leave, and script money from Chamber merchants.

Joe thanked all members of the EAC and all those friends and coworkers in the audience. He stated it was an honor to be chosen from all the outstanding city employees.

Ed Alexander, Housing and Community Development Division, introduced Collette Hawkins from the Housing Assistance Division. Collette has worked in the Housing Assistance Division for four years and is being recognized for how she deals with their clients on a daily basis. In the past two years, Collette has saved the city about \$800,000 through a first time homebuyer program.

Mayor Purcell congratulated Collette for being selected as employee of the month for July 2005. He presented a plaque, certificate of honor, two days of nonchargable leave, script money from Chamber merchants and a Mayor s Do What s Right coin.

Collette thanked everyone for their support.

PRESENTATION TO HERSHEY TRACK MEET PARTICIPANTS

A Park and Recreation representative presented participants from the Hershey Track and Field local meet in which over 400 kids participated. Over 60 kids advanced to the state meet from Lawton. Three kids from Lawton will be going to the national competition in August in Hershey, Pennsylvania.

Mayor Purcell read certificates of recognition to the participants.

Mayor Purcell stated there was an editorial from J.R. Hobbs regarding supporting our troops by wearing red every Friday. This is being done all over the country. He encouraged everyone in this community to wear red beginning on Friday. This will be visual display of support for our troops.

REPORT FROM MUSEUM OF THE GREAT PLAINS

John Hernandez, Director of the Museum of the Great Plains, stated that in the last fiscal year, the museum has had visitors from all but one state with Oklahoma residents outside of Lawton leading the way with 20%. Lawton residents make up 26% with an increase over last year. The museum offers free admission to Lawton residents on Sundays. They have had visitors from 15 foreign countries. The new visitor center has become a great addition to the museum. He reported that the museum was recently approved for a grant from the Oklahoma Department of Transportation along with a partial match from the McMahon Foundation for an intermodal transportation center located in the 1902 Elgin Depot on the museum grounds. He thanked the Mayor and City Council for their support.

MCMAHON AUDITORIUM 50TH ANNIVERSARY PUBLIC RECOGNITION

Billie Whipp, Art and Humanities Coordinator, stated fifty years ago on March 11, 1955, Lawton attained a milestone in cultural progress. Louise McMahon, co-founder of the McMahon Foundation, dedicated the McMahon Auditorium to the Lawton community for the advancement of the arts, music, and other forms of educational and cultural endeavors. The building was dedicated to the memory of her husband and son. In celebration of fifty years of service to the community, the Arts and Humanities and auditorium staff assembled a booklet showing a brief overview of the past fifty years. Whipp distributed a copy of the booklet to each Council member.

Mayor Purcell stated the City Council and all the citizens of the Lawton-Fort Sill community express thanks for all the good work that still goes on today through the McMahon Foundation. There are many things in this community that could not have been accomplished without their support.

AUDIENCE PARTICIPATION: None

CONSENT AGENDA: Mayor Purcell requested separate consideration for item 2. He requested that items 11 and 20 be stricken from the agenda.

MOVED by Shanklin, SECOND by Patton, to approve the Consent Agenda items as recommended with the exception of item 2. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

1. Consider the following damage claims recommended for approval and consider passage of any resolutions authorizing the City Attorney to file a friendly suit for the claim which is over \$400.00: William & Sundry Cox in the amount of \$55.00 and Kenneth Ribble in the amount of \$213.48. Exhibits: Legal Opinions/Recommendations.
2. Consider the following damage claims recommended for denial: Annamaria Simpson in the amount of \$1,031.86, Anne & Glenn Williams in the amount of \$293.75, and Richard & Doris Bjork in the amount of \$743.69. Exhibits: Legal Opinions/Recommendations.

Anne Williams stated the claim is for a tree that was in their front yard that suffered damage and death due to a water main leak for approximately six weeks. She stated the claim was recommended for denial because the tree was supposedly not dead. The tree had turned yellow three weeks after the leak started. She distributed a hand out with pictures of the tree. The valve was not replaced until six weeks after the initial call. The tree has survived sixteen years in the front yard and took five weeks in sitting in mud to kill it. She was told by the city that they should not have cut the tree down because it would have come back next year. Their insurance agent recommended that the tree be cut down because it was a fire hazard. She requested the city pay the claim. She would not have cut the tree down if she thought it would have lived.

Shanklin questioned if the city had a tree expert that could verify the water killed the tree.

Vincent stated his office contacted a local horticulture expert who advised them that an Austrian Pine Tree does not like excess water. A tree that has been in the ground for fifteen years should have been given a chance to survive after the water source had been shut off. In the opinion of the expert, it probably would have come back next year.

MOVED by Patton, SECOND by Shoemate, to approve the claim of Anne Brown in the amount of \$293.75. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

MOVED by Shanklin, SECOND by Warren, to deny the remaining claims. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry. NAY: None. MOTION CARRIED.

3. Consider adopting a resolution ratifying the action of the City Attorney and the City Manager in filing and making payment of the judgment in the Workers' Compensation case of Ramon Ortega in the Workers' Compensation Court, Case No. 2004-16760H. Exhibits: Resolution No. 05-_____.

4. Consider approval of renewing the Retainer Agreement for Professional Services with Granville D. Long, to provide professional investigative services to the City of Lawton, and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: Proposed Agreement

5. Consider setting a public hearing on September 13, 2005 at 6 o'clock pm in the City Council Chambers to hear any comments for or against closing part of Roosevelt Avenue, part of SW 1st Street, the alley in Block 31, Airport Addition, and the alley in Block 32, Airport Addition. Exhibits: Location Map and Notice of Public Hearing.

6. Consider adopting two (2) resolutions authorizing the applications for grant funds to be submitted to the Oklahoma Strategic Military Planning Commission for Two Hundred Twenty five Thousand Dollars (\$225,000.00) and a second grant application to be submitted to the Comanche County Industrial Development Authority for One Hundred Fifty Thousand Dollars (\$150,000.00) for the purpose of easement acquisition to create an urban encroachment along the perimeters of Ft. Sill Military Installation and authorize the Mayor and City Clerk to execute the necessary documents. Exhibits: Resolution No. 05-_____, Application to Oklahoma Strategic Military Planning Commission, Resolution No. 05-_____, Application to the Comanche County Industrial Development Authority, Letter from Robert Gregory, Land Legacy, dated 4-19-2005, Ft. Sill Private lands Initiative Summary, Dept. of Army Approval of Compatible Use Buffer, dated 4-27-2005, News Release issued by Ft. Sill Public Affairs Office, dated 5-6-2005.

7. Approval for Arts & Humanities Division to accept the Local Government Challenge Grant from the Oklahoma Arts Council for the FY 2005-2006. Exhibits: Agreements are on file in the City Clerk s Office.

8. Consider approving contracts for the Co-Sponsorship Grant Program provided through the Parks and Recreation Department. Exhibits: Contract on file in the City Clerk s Office.

9. Consider approving renewal of the Contract for Tourism and Economic and Industrial Development Services Agreement with the Lawton Chamber of Commerce and Industry (LCCI) for Fiscal Year 2005-2006. Exhibits: Tourism and Economic Development Services Agreement and Chamber of Commerce Hotel/Motel Tax Proposed Budget.

10. Consider approving a revocable permit to perform geo-probe borings and monitoring wells on the North Sheridan Road right-of-way near 2403 North Sheridan Road. Exhibits: Application and Revocable Permit with Map.

11. Consider approving a revocable permit to install a sign in a utility/drainage easement for the Southwest Lee Boulevard front of 4202 SW Lee Boulevard. Exhibits: Application and Revocable Permit with Map.
This item was stricken.

12. Consider accepting the Modification of the Existing Landfill Leachate Collection System Project #2004-11 as constructed by L. D. Kemp Excavating, Inc. and placing the Maintenance Bond into effect. Exhibits: None

13. Consider approving plans and specifications for the Animal Welfare Building Expansion Project #2004-14 and authorizing staff to advertise for bids. Exhibits: None

14. Consider endorsing an amendment to the Federal Fiscal Year 2006-2008 Transportation Improvement Program (TIP) for inclusion of a streetscape enhancement project for 2nd Street from Ferris Avenue to Columbia Avenue as a transportation enhancement project. Exhibits: Letter from ODOT.

15. Consider endorsing an amendment to the Federal Fiscal Year 2006-2008 Transportation Improvement Program (TIP) for inclusion of a Transportation Museum on the grounds of the Museum of the Great Plains as a transportation enhancement project. Exhibits: Letter from ODOT.

16. Consider endorsing an amendment to the Federal Fiscal Year 2005-2007 Transportation Improvement Program (TIP) for the grading, drainage, surfacing and utility relocation at I-44 and Rogers Lane. Exhibits: Letter from ODOT.

17. Consider approving the following contract extension: Hydraulic Pump and Cylinder Repair (CL04-068) with Horizon Hydraulics Inc. Exhibits: Contracts, information from previous bid award, and letters of staff recommendations on file in Financial Service s Office.

18. Consider approving appointments to boards and commissions. Exhibits: None

19. Consider approval of payroll for the periods of July 4-17, 2005. Exhibits: None.

OLD BUSINESS ITEMS:

20. Consider adopting an ordinance amending Section 17-1-3-124, Division 17-1-3, Article 17-1, Chapter 17, Lawton, City Code, 1995, by allowing for internal personnel moves to select open positions without interviewing other applicants and providing for severability. Exhibits: Ordinance No. 05-____.

This item was stricken

NEW BUSINESS ITEMS:

The Mayor requested that item #24 be moved up on the agenda.

24. Hold a public hearing and consider an ordinance changing the zoning from C-3 (Planned Community Shopping Center District) to C-5 (General Commercial District) zoning classification located at 6810 NW Cache Road. Exhibits: Ordinance No. 05-____, Location Map, Site Plan, Application, CPC Minutes. Debra Jones, Acting Planning Director, stated this request is for a 1.34 acre tract of land located in the Willow Park Shopping Center. The current property owner is AP Lawton Limited Partnership, and the application was signed by Jay Anthony, President, and the applicant, Chuck Abshire.

The zoning of the surrounding area is C-1 (Local Commercial District), C-4 (Tourist Commercial District), and C-5 to the north and C-3 to the south, east, and west. The land use of the surrounding area is Willow Park Health Care Center, Bowman Insurance and Mini-Storage, and Shangri La Lounge to the north; Carmike Theater and Easton = s Ace Hardware to the south; Rex Appliance Center to the east; and Outback Restaurant, West End Pharmacy, and First Baptist West Church to the west. The 2025 Land Use Plan designates this property as Commercial. The requested area is currently vacant. The proposed use is a drive-in restaurant.

On June 23, 2005 the City Planning Commission held a public hearing on this request. During the public hearing two persons spoke in favor of the request. The Commission, by a vote of 7 - 0, recommended approval of the rezoning.

Notice of public hearing was mailed on July 5, 2005 to 14 property owners within 300 feet of the requested area, and proper notice was published in *The Lawton Constitution* on July 10, 2005. Since the filing of the application and the public hearing, she has had no further calls or communication regarding this application.

There are two drive openings proposed by the applicant and two-way traffic out of both drive openings.

Mayor Purcell clarified that the openings would be two way in and out.

Jones stated that is what the applicant has proposed. The traffic engineer suggested a different site plan, but the applicant has not resubmitted any other plan.

Mayor Purcell stated that the Council received a letter from the Planning Commission regarding this area. He questioned if the two-way traffic on each entrance will create a nightmare in that area. He stated there are numerous accidents just down Cache at Hunter Road and he questioned if this would contribute to that dangerous area.

Drewry questioned if they took into consideration the idea of widening Cache Road.

Jones stated she did not know when Cache Road may be widened, so she could not comment on that question. It is at arterial capacity now. This situation continues to increase as each driveway causes turning movements. The higher the congestion, the higher the turning movements, the higher the accident rate.

Vincent stated that at the planning commission meeting, he did ask the applicant if he would consider sliding everything back to the South. If the city does widen Cache Road, they would need additional land in this area.

Drewry stated that this is a local business and she would like to support him.

PUBLIC HEARING OPEN.

Chuck Abshire, 9003 SE Willow Lane, stated he is the applicant. He has not seen the site plan proposed by the traffic engineer. He said the engineer rough sketched the plan on a sheet of paper during the planning meeting. He disagreed with the right hand stalls on the inside. He did question the curvatures which directed the cars in and out and felt it would cause more problems. He stated he saw no problems designating an entrance and an exit. The reason they have asked for C-5 zoning is so they can get an entrance and an exit. They do not want to cause accidents or congestion, but they do want front openings on Cache Road.

Jackson questioned if Mr. Abshire was able to move any farther south.

Mr. Abshire stated they will go as far south as possible. If Cache Road is widened, they do not want the expense of moving everything south.

Patton stated the problem is not the rezoning, but they just want to make the situation as safe as possible but also economically viable for the business.

Mr. Abshire stated he is willing to sit down with the traffic engineer and work things out. This site plan was the fourth one drawn to try and satisfy everyone. Time is of the essence because the contract with the seller is about to expire.

Patton stated they are only voting on the rezoning. If they approve the rezoning, it will have no impact on the site plan the applicant chooses.

Mr. Abshire stated it does him no good to have a traffic hazard in front of his business. Safety is their goal.

Mayor Purcell requested that Mr. Abshire just give some consideration to possibly making the entrances one way in and one way out.

Warren stated that he can label the entrances in and out, but customers may not pay attention.

Jackson stated he would like to commend a local business owner who has been able to work with all the franchise owned businesses in Lawton and is willing to make a sizeable investment in our community.

Kenneth Easton, 715 NW 46th, stated he is a property owner that is directly affected. He stated it has been a pleasure to work with Chuck since the inception of this plan which would enhance the area. He encouraged the City Council to approve the rezoning.

PUBLIC HEARING CLOSED.

MOVED by Patton SECOND by Warren, to adopt **Ordinance No. 05-58**, waive the reading of the ordinance, read the title only. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 05-58

An ordinance changing the zoning classification from the existing classification of C-3 (Planned Community Shopping Center District) to C-5 (General Commercial District) zoning classification on the tract of land which is hereinafter more particularly described in section one (1) hereof; authorizing changes to be made upon the official zoning map in accordance with this ordinance.

21. Hold public hearings and adopt resolutions declaring the structures at: 1214 NW Ferris Avenue, 916 NW Arlington Avenue, 1410 NW 23rd Street, 503 SW Jefferson Avenue, 1706 SW B Avenue, 1712 SW Garfield Avenue, 417 NE 46th Street (Tabled for 6 months-January 11th), 1603 SW Douglas Avenue (Voluntary) and 1214 SW H Avenue to be dilapidated public nuisances, thus causing a blighting influence on the community and detrimental to the public's health and safety. Authorize the City Attorney to commence legal action in district court to abate each nuisance. Further authorize Neighborhood Services to solicit bids to raze and remove each dilapidated structure, if necessary. Exhibits: Nine Resolutions. Summary documents with supporting photos, reports from the Fire Marshal, Housing Inspectors, and case history are available from Neighborhood Services.

Mayor Purcell requested that 417 NE 46th be stricken.

1214 NW Ferris: Melissa Laycock, Neighborhood Services Supervisor, presented photographs of the property. She stated the property is unsecured and unoccupied. The City has conducted numerous mowings at this address. There have been no utilities since March 2001.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Jackson, to approve **Resolution No. 05-128** and declare the structure at 1214 NW Ferris to be dilapidated and a public nuisance. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

916 NW Arlington: Laycock presented photographs of the property. She stated this property is secured. The City has conducted numerous mowings on this property. She has spoken with the owners who are letting the property go back to HUD. There have been no utilities since February 2004.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Jackson, to approve **Resolution No. 05-129** and declare the structure at 916 NW Arlington to be dilapidated and a public nuisance. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

1410 NW 23rd: Laycock presented photographs of the property. She stated this house is not connected to the city sewer. She has spoken with the property owner, Mr. Mansell, who has agreed to clean up the property, but no permit has been issued. There have been no utilities since January 1997.

Vincent stated Mr. Mansell called his office just before this meeting and requested a delay.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shoemate, SECOND by Jackson, to approve **Resolution No. 05-130** and declare the structure at 1410 NW 23rd to be dilapidated and a public nuisance. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

503 SW Jefferson: Laycock presented photographs of the property. She stated this is a mobile home. She did speak to the property owner who agreed to demolish the structure. There have been no utilities since January 2005.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Jackson, to approve **Resolution No. 05-131** and declare the structure at 503 SW Jefferson to be dilapidated and a public nuisance. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

1706 SW B Avenue: Laycock presented photographs of the property. She stated this property is unoccupied but secure. The city has conducted numerous mowings. There have been no utilities since April 2001.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Jackson, to approve **Resolution No. 05-132** and declare the structure at 1706 SW B Avenue to be dilapidated and a public nuisance. AYE: Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin. NAY: None. MOTION CARRIED.

1712 SW Garfield: Laycock presented photographs of the property. She stated the property is unoccupied and secured. The City has conducted numerous mowings at this address. There have been no utilities since March 1999.

Shanklin stated the property looked like it was in good shape. He questioned by what standards the properties are judged.

Laycock stated they have done numerous securings on the property. Once staff has done more than three securings on a property it becomes a real concern. The City has been their mowing service for the past several years and no utilities since 1999.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Jackson, to approve **Resolution No. 05-133** and declare the structure at 1712 SW Garfield to be dilapidated and a public nuisance. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

1603 SW Douglas: Laycock presented photographs of the property. She stated this is a voluntary request, so the owner can take advantage of reduced tipping fees. The structure is unoccupied but secured. There have been no utilities since April 2003.

PUBLIC HEARING OPENED.

Property owner (name unknown), stated he received the property after his mother and father died last year. He stated the property was dilapidated, but he could not get his parents to leave the property. He recently called the City to see if he could get the property torn down. The property is very unsafe.

PUBLIC HEARING CLOSED.

MOVED by Haywood, SECOND by Jackson, to approve **Resolution No. 05-134** and declare the structure at 1603 SW Douglas to be dilapidated and a public nuisance. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton,

Haywood. NAY: None. MOTION CARRIED.

1214 SW H Avenue: Laycock presented photographs of the property. She stated this has actually become a success story. The property owner has moved the trailers, but has left debris behind.

Shanklin questioned what could be done about the debris.

Laycock stated they will notify the property owner who will be required to remove the debris.

Shanklin questioned if Neighborhood Services is responsible for making sure the property owners cleans up the debris.

Laycock stated that Neighborhood Services is responsible for junk and debris. When a permit is issued, the building inspectors make sure everything is cleaned up or they will not issue final clearance.

Vincent stated the building inspectors may issue citations. He questioned if these mobile homes were hooked up to water and sewer.

Laycock stated no.

PUBLIC HEARING OPENED. No one appeared to speak and the public hearing was closed.

MOVED by Shanklin, SECOND by Drewry, to approve **Resolution No. 05-135** and declare the structure at 1214 SW H Avenue to be dilapidated and a public nuisance. AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

Mayor Purcell announced that this is the last meeting for Melissa Laycock. On behalf of the city and City Council he congratulated her on a great job. He wished her all the best.

22 Hold a public hearing and consider a resolution endorsing the Downtown Revitalization Plan for the areas along the 2nd Street corridor bounded by Ferris Avenue south to C Avenue and from Railroad Street west to 4th Street and along the C Avenue corridor bounded by Gore Boulevard south to C Avenue and from Railroad Street west to 7th Street. Exhibits: Resolution No. 05-____, LURA Minutes of Public Hearing and Downtown Revitalization Plan (distributed July 12).

Marc Long, Tetra Tech, the consultant for the downtown revitalization plan for the Lawton Urban Renewal Authority and the City of Lawton. The plan indicated that downtown Lawton, primarily 2nd Street as well as C Avenue, are not functioning the way they should. They are not economically or aesthetically viable. The plan defines a strategy that all parties involved can participate together in an ultimate revitalization of downtown. The key elements are the land use, mobility, image and design, infrastructure and implementation. They have had numerous workshops and public meetings over the past year. They spent approximately sixty hours visiting with stakeholders. Land use and zoning is a major component of the study. They looked at the existing comprehensive plan, zoning ordinances and all the regulations currently in place as far as how the city allows businesses to operate and function within the area. The study area ranged in the east from Railroad Street to the north along Ferris, to the south along C Avenue and as far west as 7th Street. That is what they identified as the core downtown. Ferris, 2nd Street and Railroad are going to be important elements for the revitalization of downtown. He stated they did identify some future land use concepts. There is an entire section on overlay district. This study is not changing any existing zoning in the study area, but is suggesting that several overlay districts are created. This will allow suggested uses. Today there is no ordinance or plan or firm rule as to how someone can redevelop or revitalize a property in this downtown study area. The Chamber's activities will target more of an economic balance, or a specific project basis. Mobility is another major factor in the study. They are looking at traffic, access and circulation, safety, speed, landscaping, signage and access management. All of these things have to be taken into account now. This project or revitalization plan was triggered by the opportunity to secure an enhancement grant for a streetscape project along 2nd Street, so pedestrian access is a very important component to the downtown revitalization. His firm as well as the other firms involved have all been involved in revitalizations of downtowns as close as Oklahoma City and as far as several other states. They need to look at parking and how to reduce the access and clutter with parked cars and signage. He stated a workshop was held to look at what was unique about this area along 2nd Street, C Avenue and the downtown core. They looked at gateways into the downtown and Lawton. The most important part of a downtown revitalization is infrastructure needs. It is the least glamorous and no one wants to talk about it. Millions of dollars have to be spent on infrastructure which includes roadways, water, and the sanitary sewer system. Currently the infrastructure is beyond forty and fifty years old and will not be able to accommodate increased density of business and residential in the area. Working with all the stakeholders, they have come up with an implementation strategy to look at potential financing. Partnering and cooperation is an important part and the LURA should receive credit for initiating this plan, getting stakeholders involved and communicating. The energy for change in this community has evolved tremendously over the last twelve months.

Shanklin stated there is a Section 8 apartment complex between 3rd and 4th Streets between Columbia and Dearborn.

The Section 8 resides with the complex and has been a ghetto for over 30 years and will never be anything but a ghetto. He questioned if this would interfere with the revitalization plan.

Long stated they will look at improved housing opportunities in the downtown area. They need to look at the means by which they can improve that particular area.

Shanklin stated that he cannot see that property being conducive to anything done in that area.

Long stated that particular problem is common in downtown revitalization. There needs to be some proactive action in that type of a property. He stated there are suggestions in the plan and detailed procedures they will have to follow.

Shanklin stated if the developer does not receive the tax credits to remodel that property, the whole thing would just go away. It will be a blight in that area forever.

Givens stated he is having a hard time conceiving who will be doing all the work. Who will be in charge.

Mitchell stated the work will be coordinated through the Lawton Urban Renewal Authority. They have taken the initiative to get to this point. There are some staff resources to move the project forward. The Chamber of Commerce would be a logical partner.

Givens asked what were the staff resources.

Mitchell stated the City Manager and the Planning Division staff. It will be a long term project and effort. The next step after the plan is adopted is to go back through the process of having a series of public hearings. There is a current ownership list of urban renewal project areas and they will have to have public meetings in order to allow staff to expand the D-6 area. This will get to the point of doing the building condition overlay, the design standard overlay and look at the possibility of implementing a TIFF District that will facilitate some redevelopment. This will be done over the next six to eight months.

Warren questioned when we get to the point of street construction, will Public Works be saddled with this work. Who would oversee the contract?

Mitchell stated the project would be assigned to the Engineering Division as an individual project.

Givens stated he is having a hard time seeing how it all gets done. It is a huge project.

Long stated this revitalization will take a long time and require a lot of resources. In the implementation section, they have laid out small bite size pieces, things that can be done now while the community support has been generated. Tackle each item as you have the resources. There are many ways to deal with manpower shortages. Once everything gets started, planning staff, planning commission, city council members will all have a role, but there are always outside resources that can help. As these entities start working together, the ability to accomplish tasks are going to be increased.

Haywood questioned if Mr. Long assisted in the Bricktown project in Oklahoma City.

Long stated he was one of several engineers involved in the Bricktown area. He was involved in the streets, roads and utilities. Within a five block area there were 180 contractors working in nine months. The city staff increased very minimally.

Givens stated that if the city has four, five or six million dollars of funding available, would that be enough for a significant start on this project.

Long stated there are \$11 million in infrastructure needs along 2nd and C Avenue alone. Three or four million would be a good start.

Givens questioned if that would be significant enough to see results that might springboard to something even better.

Long stated they have seen results with just an enhancement grant as a trigger point with three, four, or five hundred thousand dollars. They expect that with the enhancement grant alone, interest will be generated off a half a million dollar project.

PUBLIC HEARING OPEN. No one appeared to speak and the public hearing was closed.

MOVED by Jackson, SECOND by Shanklin, to adopt **Resolution No. 05-136** endorsing the Downtown Revitalization. AYE:

Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Shoemate. NAY: None. ABSTAIN: Warren. MOTION CARRIED.

28. Consider adopting a resolution relating to General Obligation Bonds for Sewer System Improvements, fixing the amount of bonds to be sold, providing for the maturity of the bonds, fixing the time and place the bonds are to be sold, and authorizing the Clerk to give notice of said sale as required by law. Exhibits: Resolution No. 05-_____.

Rick Endicott, Finance Director, introduced Keith McDonald, the City's financial advisor from Wells-Nelson Associated and Gary Bush, bond counsel. He stated the first item is authorizing the sale of \$2.5 million for sewer rehab. It is part of the \$10.5 million authorized in the CIP. The sale date is set for August 23rd.

MOVED by Shanklin, SECOND by Givens, to approve **Resolution No. 05-137** relating to General Obligation Bonds for Sewer System Improvements, fixing the amount of bonds to be sold, providing for the maturity of the bonds, fixing the time and place the bonds are to be sold. AYE: Haywood, Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton. NAY: None. MOTION CARRIED.

29. Consider adopting a resolution relating to General Obligation Bonds for Economic and Community Development, fixing the amount of bonds to be sold, providing for the maturity of the bonds, fixing the time and place the bonds are to be sold, and authorizing the Clerk to give notice of said sale as required by law. Exhibits: Resolution No. 05-_____.

Endicott said included in the CIP is \$1.5 million for economic development. This has to do with the Cameron University project.

Mayor Purcell stated this is for the CETES project.

MOVED by Warren, SECOND by Haywood, to approve **Resolution No. 05-138** relating to General Obligation Bonds for Economic and Community Development, fixing the amount of bonds to be sold, providing for the maturity of the bonds, fixing the time and place the bonds are to be sold. AYE: Warren, Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood. NAY: None. MOTION CARRIED.

23. Hold a public hearing and consider an ordinance changing the zoning from R-1 (Single-Family Dwelling District) to P-F (Public Facilities District) zoning classification located at the northeast corner of NW 35th Street and West Gore Boulevard. Exhibits: Ordinance No. 05-____, Location Map, Site Plan, Application, Map Showing Location of Sewerline, Letter of Protest, CPC Minutes.

Debra Jones stated this request includes Lots 8 and 9, Block 5, Tomlinson Ridge, 2nd Addition, which measure 250' x 156'. The Comanche County Hospital Authority is the applicant and property owner of these lots. The proposed use is for a helipad. The zoning of the surrounding area is R-1 to the north and west and P-F to the south and east. The land use of the surrounding area is parking lot for Comanche County Memorial Hospital to the north and east, Cameron University to the south, and single-family residential to the west. The 2025 Land Use Plan designates these lots as Public. The hospital desires to relocate its helipad from the northeast side of the hospital to the southwest corner of the hospital site. It appears that a portion of the helipad encroaches on a 10-foot utility easement which includes an 18-inch sewer main. The helipad as well as the parking area will be affected when the sewer main is replaced. John Mackey, attorney for Comanche County Hospital Authority, has been advised that as part of the City's Sewer Rehabilitation Program the 18-inch sewer main in the utility easement on the east side of this requested area will be replaced in the next couple of years. On June 23, 2005 the City Planning Commission held a public hearing on this request. During the public hearing one person spoke in favor of the rezoning. Prior to the public hearing a letter against the request was received which is attached.

PUBLIC HEARING OPEN.

John Mackey, 312 Ridgeview Way, stated he is in attendance representing Comanche County Memorial Hospital.

He stated they previously appeared before the City Council requesting a use permitted on review using this particular area for parking. At that time there were no plans to use this area as a helipad or they would not have asked to leave the zoning R-1. They found out one day before the hearing with the City Planning Commission that there had been some work done on that site beforehand. He stated the contractor on the parking lot construction had some additional improvements on the plans but the city had not been brought in to the discussion at that point.

They have had the opportunity to have Airevac, a private company that is not owned by the hospital. Times, minutes and seconds can make all the difference. The current helipad is on the East side of the building. They will need to have a back up pad. As it stands now, an ambulance must take a person from the emergency room to the helipad, or an ambulance has to pick patients up at the helipad and transport to the emergency room. There is extra cost and time involved. The FAA and the insurance company for the ambulance service have all suggested it would be better if the helipad was located closer to the emergency room. The hospital board agreed that this would be a better idea and that is the reason this application for rezoning is before the City Council. They do recognize an easement runs underneath a portion of this area, so when the time comes if necessary to dig up that sewer line, they recognize that they will have to cooperate. He stated FAA has approved this proposal. He stated that Mrs. Ferguson, who wrote the letter opposing the request, owns the rental property to the north. She received a letter

from the County Assessor on June 2nd, their application was dated June 3rd. Their application had nothing to do with her taxes going up.

Mr. Mackey stated the contractor did the rough out for the plumbing because of the time and expense that would have been involved if they did it later. The contractor was supposed to get permission from the City but he did not. There is a fence around the helipad, but no helicopter has landed. The hospital does not want to do anything until the City says it is legal. In anticipation of the possibility of this rezoning being approved, that rough out is there in case a building will be built. In the event that this building will be built, there will have to be additional landscaping. They have spoken with the neighbors about what is going on.

Shoemate questioned the noise level of the helicopters.

Mr. Mackey stated they are loud, but they have been landing there for years.

PUBLIC HEARING CLOSED.

Givens stated that this situation is unfortunate. It has been called to his attention that the contractor has done damage to 35th Street. He stated the hospital does a great job on landscaping, but they have not addressed the berm area. There should be more done to make it a better barrier for the residents across the street, especially in the winter time.

Shanklin questioned if the water flowing to the creek has been stopped.

Jones stated the hospital has building permits approved through the permitting procedure. They submitted some engineering plans for the storm drainage. She has not been down 29th Street, so she just doesn't know.

Shanklin stated they have told them many times they are going to stop. He said someone told him the other day that water was flowing. It creates slick spots in the wintertime.

Drewry stated that it makes more sense to have the helipad on that side of the hospital. She is sorry they waited so long to bring it to the City Council.

Jackson stated he is only willing to approve this rezoning because time is of the essence in an emergency. He feels that every second counts during a crisis. He hoped the hospital would consider Councilman Givens request for additional screening and address the drainage situation.

MOVED by Jackson, SECOND by Shoemate, to adopt **Ordinance No. 05-59**, waive the reading of the ordinance, read the title only. AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 05-59

An ordinance changing the zoning classification from the existing classification of R-1 (Single-Family Dwelling District) to P-F (Public Facilities District) zoning classification on the tract of land which is hereinafter more particularly described in Section One (1) hereof; authorizing changes to be made upon the official zoning map in accordance with this ordinance.

25. Hold a public hearing and consider an ordinance changing the zoning from A-1 (General Agricultural District) to C-4 (Tourist Commercial District) zoning classification located at 7615 NW Cache Road. Exhibits: Ordinance No. 05-____, Location Map, Site Plan, Application, CPC Minutes.

Jones stated on May 25, 2004, the City Council held a public hearing and approved a resolution amending the 2025 Land Use Plan from Residential/High Density to Commercial and an ordinance changing the zoning from A-1 (General Agricultural District) to C-4 (Tourist Commercial District) zoning classification located at 7615 NW Cache Road. It was recently discovered that the ordinance changing the zoning of this tract was never published in the newspaper as required by state statute. The City Attorney advised the ordinance is void. The City Council directed staff to administratively process a rezoning application to C-4 as originally requested. The amendment to the 2025 Land Use Plan is valid.

Jones stated this request is for a 196' x 300' tract of land owned by Patrick Montgomery. Dr. Montgomery has signed the rezoning application. Included in the agenda packet is a site plan of a shopping center that is proposed to be constructed on the site.

On June 23, 2005 the City Planning Commission held a public hearing on this request. The Commission, by a vote of 7 - 0, recommended approval of the rezoning.

Notice of public hearing was mailed on July 5, 2005 to 35 owners of property within 300 feet of the requested area, and proper notice was published in *The Lawton Constitution* on July 10, 2005.

PUBLIC HEARING OPEN.

Orville Smith, 8003 NW Aldwick, stated he was in attendance in May for the original rezoning request. He is here to represent Dr. Montgomery.

PUBLIC HEARING CLOSED.

MOVED by Patton, SECOND by Warren, to adopt **Ordinance No. 05-60**, waive the reading of the ordinance, read the title only. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 05-60

An ordinance changing the zoning classification from the existing classification of A-1 (General Agricultural District) to C-4 (Tourist Commercial District) zoning classification on the tract of land which is hereinafter more particularly described in Section One (1) hereof; Authorizing changes to be made upon the official zoning map in accordance with this ordinance.

26. Hold a public hearing and consider an ordinance changing the zoning from R-1 (Single-Family Dwelling District) to R-2 (Two-Family Dwelling District) zoning classification located at 1502 SW Jefferson Avenue. Exhibits: Ordinance No. 05-____, Location Map, Application, CPC Minutes.

Jones stated this request includes Lots 1, 2, and 3, Block 27, Lawton View Addition, which measure 75' x 140' (10,500 square feet). The property owner and applicant is Nora Thompson.

The zoning of the surrounding area is R-1 and R-3 (Multiple-Family Dwelling District) to the north; R-1 to the south and west, and R-3 and R-4 (High Density Apartment District) to the east. The land use of the surrounding area is single-family residential to the north, south and west and church (Greater Galilee Baptist Church) to the east. The current land use of the requested area is vacant. The proposed use is a duplex. The 2025 Land Use Plan designates this area as Residential/Low Density.

On June 23, 2005 the City Planning Commission held a public hearing on this request. During the public hearing one person spoke in favor of the request. The Commission, by a vote of 7 - 0, recommended approval of the rezoning.

Notice of public hearing was mailed on July 5, 2005 to 29 property owners within 300 feet of the requested area, and proper notice was published in *The Lawton Constitution* on July 10, 2005.

PUBLIC HEARING OPEN. No one appeared to speak and the public hearing was closed.

MOVED by Haywood, SECOND by Jackson, to adopt **Ordinance No. 05-61**, waive the reading of the ordinance, read the title only. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 05-61

An ordinance changing the zoning classification from the existing classification of R-1 (Single-Family Dwelling District) to R-2 (Two-Family Dwelling District) zoning classification on the tract of land which is hereinafter more particularly described in Section One (1) hereof; Authorizing changes to be made upon the official zoning map in accordance with this ordinance.

27. Consider approving a resolution authorizing and calling for an election in the City of Lawton, State of Oklahoma, for the purpose of setting the dates for the 2005 primary and 2006 general municipal elections of the designated City Council seats, setting a ballot title; and authorizing the Mayor to issue an election proclamation. Exhibits: Resolution No. 05-____ and Election Proclamation.

Vincent stated that normally this item would be placed on the consent agenda, but this is the first time we have had an election since the Governor approved the charter change. He thought it was important to notify the public that the first primary election under the new charter revisions will be December 13, 2005 for Wards 6, 7, and 8 with the filing period for those offices November 15, 16 and 17, 2005.

MOVED by Shanklin, SECOND by Haywood, to approve **Resolution No. 05-139**. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry. NAY: None. MOTION CARRIED.

30. Consider an ordinance pertaining to vehicles and traffic amending Section 23-1-102, Article 23-1, Chapter 23, Lawton City Code, 1995, by defining all-terrain vehicle and creating Section 23-4-404, Article 23-4, Chapter 23, Lawton City Code, 1995, by prohibiting with limited exceptions the use of minibikes, golf carts and all-terrain vehicles on city streets, requiring a warning notice on all minibikes offered for sale in the City of Lawton, providing for severability, codification and declaring an emergency. Exhibits: Ordinance No. 05-____.

Vincent stated this is considered a clean up ordinance. It is legislation that was passed by the state legislature. In order for the City to have jurisdiction on this issue in Municipal Court, it must be brought into the city code.

MOVED by Warren, SECOND by Haywood, to adopt **Ordinance No. 05-62**, waive the reading of the ordinance, read the title only and declare an emergency. AYE: Shoemate, Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 05-62

An ordinance pertaining to vehicles and traffic amending Section 23-1-102, Article 23-1, Chapter 23, Lawton City Code, 1995, by defining all-terrain vehicle and creating Section 23-4-404, Article 23-4, Chapter 23, Lawton City Code, 1995, by prohibiting with limited exceptions the use of minibikes, golf carts and all-terrain vehicles on city streets, requiring a warning notice on all minibikes offered for sale in the city of Lawton, providing for severability, codification and declaring an emergency.

31. Consider an ordinance amending Section 16-3-1-321, Division 16-3-1, Article 16-3, Chapter 16, Lawton City Code, 1995, by establishing a maximum fine for any individual convicted of dumping trash on public or private property without consent, providing for severability and declaring an emergency. Exhibits: Ordinance No. 05-_____.

Shoemate stated that this issue has been a pet peeve of his for several years. Lately he has been getting complaints from people driving on 11th Street and Sheridan Road who are dodging mattresses and debris, and a lot of the debris is coming off of city trucks. He said the ordinance does not read exactly the way he wanted. He requested that the fine be \$750, not up to \$750. He is tired of residents not securing their trash when they haul it out to be dumped. He wants to make the fine still enough that they understand they will be punished if they litter.

Mayor Purcell stated that he has spoken with Dr. Bellino and that group has had No Littering signs produced that have a fine of \$200 posted. He stated this would be a great opportunity to line through the \$200 and put whatever amount is decided tonight. This should get people's attention. He stated they could just strike the words in Section D. of the ordinance which says not more than and make the fine \$750.

Jackson stated he would be concerned that the Municipal Judge might suspend the fine and the City not receive anything. He would much rather have the fine up to \$750, so at least they receive the fine.

Mayor Purcell stated the City Council will conduct a six month evaluation of the Municipal Court Judge and that would be a good discussion to have.

Jackson stated he would feel more comfortable giving the judge that leeway, otherwise the judge may feel the fine is too stiff.

Mayor Purcell stated that those violators are deliberately going out and trashing the community. They throw trash in the back of pickup trucks knowing full well that when they reach 35 miles per hour it all blows out.

Shanklin questioned why the City cannot fine \$750 for the loud boom boxes in cars.

Vincent stated that for loud noise there is a state statute that establishes the fine and we cannot exceed that amount.

Shanklin stated he felt that \$750 is high.

Patton questioned if the littering has to take place in the presence of a police officer.

Givens stated if a bag is dumped and the items in that bag belong to a person, it is presumed that the litter belongs to that person.

Mayor Purcell stated he asked for a list of all the fines from the last year and the highest fine he saw for littering was \$125. We need a stiffer fine and the publicity from the media. If it happens once or twice, people will stop littering. The object is not to get the money, but to stop the littering.

Drewry questioned when the ordinance would go into effect.

Vincent stated it would go into effect immediately. They cannot remove the emergency clause and set an effective date if the Council wishes.

Drewry felt that there needs to be time to get the word out and make sure everyone is aware of the new fine.

Shanklin stated he picks up trash all the time and throws it in the back of the pickup. There are a lot of what ifs with this issue. He would compromise at about \$350.

Shoemate stated that \$350 would not get it. Every morning most of us wake up and someone has dumped hamburger bags or beer cans in the street. He stated a few years back he got together with some media people and they figured out where were the twelve worst littered areas in Lawton, and they divided up the areas with civic clubs, who cleaned up the areas. The next day, it was just as bad as when they started.

Mayor Purcell stated the Council needs to decide if they are going to clean up the city or not. He does agree with Councilmember Drewry about giving residents notice and striking the emergency clause and it will not go into effect until thirty days.

Warren stated that the action of flipping a cigarette out the car window is the one that really needs the \$750 fine because that is an intentional act. He does have some reservation about litter blowing out the back of a truck, but until you can figure out a way to divide the two, it has to stay in one ordinance.

Shoemate stated that people can keep a little bag in their cars for trash and dump it when you get home.

Jackson stated that he will support an anti-littering campaign and a fine, but he cannot support a \$750 fine. There are honest, hard working people who are trying to haul to the dump and things fly out by accident.

Warren questioned who would be responsible for bags that fly around and get caught on fence lines.

Vincent stated it would be the person who carried the bag out of the store.

Warren stated this ordinance will not clean up that issue.

MOVED by Shoemate, SECOND by Haywood, to adopt **Ordinance No. 05-63** amending Subsection B and strike the words not more than, waive the reading of the ordinance, read the title only. AYE: Givens, Drewry, Patton, Haywood, Shoemate. NAY: Jackson, Shanklin, Warren. MOTION CARRIED.

(Title read by City Attorney) Ordinance 05-63

An ordinance pertaining to offenses and crimes amending Section 16-3-1-321, Division 16-3-1, Article 16-3, Chapter 16, Lawton City Code, 1995, by establishing the fine for littering, providing for severability.

32. Consider an ordinance amending Section 16-5-1-516, Division 16-5-1, Article 16-5, Chapter 16, Lawton City Code, 1995, relating to obscenity regulations and prohibited obscene conduct, providing for severability and declaring an emergency. Exhibits: Ordinance No. 05-_____.

Vincent stated this is a clean up ordinance that refers to the criminal portion of the city code.

MOVED by Shanklin, SECOND by Haywood, to adopt **Ordinance No. 05-64**, waive the reading of the ordinance, read the title only and declare and emergency. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

(Title read by City Attorney) Ordinance 05-64

An ordinance pertaining to offenses and crimes amending Section 16-5-1-516, Division 16-5-1, Article 16-5, Chapter 16, Lawton City Code, 1995, by clarifying the language of section 16-5-1-516 with the language of section 7-13-1-1318, providing for severability and declaring an emergency.

33. Consider an ordinance amending Section 23-5-537, Article 23-5, Chapter 23, Lawton City Code, 1995, by setting an age limit for passengers riding in an outside compartment and establishing a fine for those convicted of this violation, providing for severability and declaring an emergency. Exhibits: Ordinance No. 05-_____.

Patton stated he requested the City Attorney investigate this issue just due to the safety factor. There is a nation wide seat belt campaign going on and he wanted to see what we could do to make our kids safer.

Vincent stated in a discussion with the Department of Public Safety general counsel, they do not believe that this is appropriate but it is not a violation of state law to have this regulation.

Jackson stated he believes it is a good ordinance. There are coaches that want to haul their little league teams in the back of their pick ups.

Warren questioned if they could limit the number of individuals over the age of 15.

Vincent stated state law provides that there can be any number of persons riding in the merchandised compartment of a pick up truck, as long as they are sitting down.

Shanklin questioned what was the age limit.

Vincent stated 12 and under.

MOVED by Patton, SECOND by Warren, to adopt **Ordinance No. 05-65**, waive the reading of the ordinance, read the title only and declare an emergency. AYE: Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 05-65

An ordinance pertaining to vehicles and traffic amending Section 23-5-537, Article 23-5, Chapter 23, Lawton City Code, 1995, by setting an age limit for passengers riding in an outside compartment and establishing a fine for those convicted of violation, providing for severability and declaring an emergency.

34. Consider an ordinance amending Section 6-5-1-507, Division 6-5-1, Article 6-5, Chapter 6, Lawton City Code, 1995, by removing the requirement of posting a bond prior to receiving a permit to reconstruct, remodel or demolish a dilapidated structure, providing for severability and declaring an emergency. Exhibits: Ordinance No. 05-____.

Warren stated he was wrong and the idea just did not work. He hopes that at some point staff will look into a better way to address this issue.

MOVED by Warren, SECOND by Haywood, to adopt **Ordinance No. 05-66**, waive the reading of the ordinance, read the title only and declare an emergency. AYE: Shanklin, Patton, Haywood, Warren, Shoemate, Givens, Drewry, Jackson. NAY: None. MOTION CARRIED.

(Title read by City Attorney)

Ordinance 05-66

An ordinance pertaining to buildings, construction and housing amending Section 6-5-1-507, Division 6-5-1, Article 6-5, Chapter 6, Lawton City Code, 1995, by removing the requirement of posting a bond prior to receiving a permit to reconstruct, remodel or demolish a dilapidated structure, providing for severability and declaring an emergency.

35. Discussion of future use of CDBG funding and leveraging. Exhibits: None

Givens stated he brought this up because he is interested in the 2nd Street Revitalization project and he thinks it is something we really need to do. It won't happen unless the City steps in and does a significant portion of it themselves.

Since it will be seven years before another CIP, there is not much out there. He read in the NLC newspaper about some community using CDBG funds for financing this kind of project. He found out about a Section 108 loan guarantee program. It allows a city to borrow up to five times the normal CDBG entitlement for one year. For Lawton it would be in the neighborhood of \$4-\$5 million dollars with a payback over a limited period. You can also use CDBG funds to pay back the loan. They should be able to qualify with this type of project. He is not saying that all the CDBG funds have not been spent well in the past, because a lot of the projects are good, but it does not go towards a significant project. It is a significant amount that can be obtained up front. It would not affect this year's funds and would require some hearings to amend the five year consolidated action plan that was just adopted.

Haywood questioned if an Economic Development Initiative loan could be obtained.

Tom Aplin, Assistant Director of Housing and Community Development, stated an EDI loan would be separate from the CDBG program but it might be something that could be used to support the 2nd Street project. There are several different types of HUD grants that could be used. When applying for those funds, the applicant has to describe exactly what the funds will be used for. At this point, the 2nd Street project is not at that level of detail. The bad thing about the 108 loan is essentially you are pledging current and future CDBG funds. In some cases it may require additional collateral for the loan. You must also set aside reserve funds for those loan payments. Those reserve funds cannot be used for any other reason.

Warren stated that he is excited about the approach. In the past, the CDBG funds have been used for good work, but it did not accomplish the purpose. The purpose of those funds are to revitalize a neighborhood. If they look at this concept they can go into a neighborhood and change it dramatically. The D-6 area has just sat there for fourty years. He stated these funds could be used for other projects, not necessarily 2nd Street.

Jackson stated that the 2nd Street revitalization project is a very ambitious program and the City staff is stretched to the max on the job, but he hopes that someone could do some research on grant or loan monies that could begin phase II of the

downtown project. He would hate to see nothing done.

Givens stated he would like to request that staff actively pursue this option

Patton questioned what would happen if the federal government cut CDBG funding.

Givens stated he is not too worried because the federal government has always had some type of program, it may just have another name.

Aplin stated that they are looking into the philosophy of how to use these CDBG funds to benefit the low income areas of this community. His office has discussed the area neighborhood approach where all those funds are targeted into a specific area. If the City Council is really serious about revamping and going into a targeted perspective, perhaps it would be a good idea to organize a planning task force to look at how they are doing the CDBG and HOME programs and come back with a recommendation to the City Council. His office is willing to sit down and work with anyone because their charge is to do the very best they can for the community with the limited resources they have. The critical part of this approach is how to leverage those funds with private funds.

Givens stated that CDBG says that all projects and activities must either principally benefit low and moderate income persons, aid in the elimination or prevention of slums and blight, or meet urgent needs of the community. He feels that the 2nd Street area would meet those criteria.

Mayor Purcell requested that staff bring this issue back as an agenda item to take action.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER

Drewry stated the City Attorney was asked to bring back an ordinance that covered any damage done by contractors.

Vincent stated staff was working on specific language.

Drewry thanked Jerry Ihler for a great tour of Public Works Departments. She was very impressed with how they were operating and the cleanliness of each facility.

Jackson stated his youngest daughter Kelly has been admitted to the hospital to have his first grandchild.

Shanklin stated he had more of a rebuttal than an announcement. There was a piece in the paper a week ago last Sunday that mentioned another City Councilman by the name of Keith Jackson and they maligned him. The editorial said the naysayers mostly members Keith Jackson and Bob Shanklin turned out a majority no vote for the proposed SE water treatment plant. The result is the SE water treatment plant has become smaller and more expensive. The 1989 CIP, 30 million gallons at 29 million with transmission lines. That is not true, there was not a 1989 CIP but there was a 1988 vote on a \$125 million dollar bond issue that was promoted by the staff at this time, the Chamber of Commerce, a bank and the newspaper. He bought an \$800 ad and ran a full page ad and the vote came out 65-35. Six months later he ran his campaign on water towers because they had promoted the SE treatment plant because water towers would not work in Lawton. The north high zone and a west low zone didn't have water pressure. He stated they probably did vote on a \$3.5 \$5 million dollar set of plans that he has never seen. His point is he did run on water towers and win the election and he did put the water towers in those two areas that no longer have low water pressure. In 1987 and 1988 our general fund revenues were 14 million. Today they are 28 million. It has doubled. He stated what prompted this was his statement that I'm gonna get married and I'm gonna have six kids and the first I'm going to do is go buy me a twelve passenger bus. He stated that Councilmember Jackson did not have anything to do with it other than maybe he voted for not fast tracking that set of plans. He has never seen what 3 million dollars worth of plans look like. Proposition #3, the City of Lawton, State of Oklahoma incurred an indebtedness by issuing of bonds in the sum of \$33,385,000 to provide funds for the purpose of acquiring improvements to be made by the Lawton Water Authority to the water system facilities be owned exclusively by said city. Now is that ambiguous, does that tell you what they are going to do with it? And this is 1988 Resolution 46. Six months later he ran on water towers because they said water towers wouldn't work.

Shanklin requested that his statements be typed up verbatim.

Shanklin questioned if the Lakes and Land issue about being able to drive with beer would come before the City Council.

Vincent stated that when the Lakes and Land Commission propose the ordinances to his office, they will come before the City Council for passage.

Haywood stated he would like to give credit to the housing development division for recommending ten individuals

who received assistance from the United Methodist Churches.

Warren encouraged everyone to donate blood.

Mayor Purcell stated on Thursday he will be going to Oklahoma City to accept two Trash Off Awards. He stated he received a request from the Employers Support of the Guard and Reserve who have invited him to a proclamation signing event to show support for the guard and reserves. He stated it would be held sometime after the 13th of September. He stated that Lawton Public Schools is getting ready to tear down part of the Old Central High. They are going to have to do something with the block that is due west of the building. It has to be cleaned up. He reminded everyone to wear red on Fridays.

Mitchell reminded everyone of the 104th Birthday celebration for the city of Lawton on August 6th at 6:30 p.m. He stated next week he will be going to Oklahoma City for the OML Legislative Committee meeting and asked that if anyone has any issues or bills they would like placed on the OML agenda for the next legislative session please let him know. He stated that Mike Dixon, a member of his rotary club, presented him with an original copy of the city charter dated 1911 which belonged to his father.

The Mayor and Council convened in executive session at 9:25 p.m. and reconvened in regular, open session at 9:49 p.m. Roll call reflected all members present.

BUSINESS ITEMS: EXECUTIVE SESSION ITEMS

36. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the pending tort claim of Anthony Zinn, DC-2005-047, against the City of Lawton, and if necessary, take appropriate action in open session. Exhibits: None

Vincent read the title of Item 36 shown above. He said the Council discussed the pending tort claim.

MOVED by Drewry, SECOND by Haywood, to deny the May 18, 2005 claim of Anthony Zinn and Linda Zinn. AYE: Givens, Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate. NAY: None. MOTION CARRIED.

37. Pursuant to Section 307B.4, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the case styled IAFF Local 1882 and Randy Brierton vs. The City of Lawton, Case No. FMCS 05107-52418-7, and if necessary, take appropriate action in open session. Exhibits: None

Vincent read the title of Item 37 shown above. He said the Council was briefed on the status of the case.

MOVED by Shanklin, SECOND by Jackson, to authorize City Attorney to commence litigation to have the arbitration award in IAFF Local 1882 and Randy Brierton vs. The City of Lawton, Case No. FMCS 05107-52418-7 vacated. AYE: Drewry, Jackson, Shanklin, Patton, Haywood, Warren, Shoemate, Givens. NAY: None. MOTION CARRIED.

ADJOURNMENT

There being no further business to consider, the meeting adjourned at 9:52 p.m. upon motion, second and roll call vote.

JOHN P. PURCELL, JR., MAYOR

ATTEST:

TRACI HUSHBECK, CITY CLERK

ADJOURNMENT